

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Development of Operational, Technical)	WT Docket No. 96-86
and Spectrum Requirements for)	
Meeting Federal, State and Local Public)	
Safety Communications Requirements)	
Through the Year 2010)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Former Nextel)	WT Docket No. 06-169
Communications, Inc. Upper)	
700 MHz Guard Band Licenses)	
and Revisions to Part 27 of the)	
Commission's Rules)	
)	PS Docket No. 06-229
Implementing a Nationwide,)	
Broadband, Interoperable)	
Public Safety Network in the)	
700 MHz Band)	

**COMMENTS OF REGION 40,
700 MHz REGIONAL PLANNING COMMITTEE**

As Chairman of Region 40, 700 MHz Regional Planning Committee, I am hereby filing comments to the Commission's *Notice of Proposed Rulemaking* in the above-captioned proceeding. Region 40, Northern Texas, which includes the cities of Dallas and Fort Worth, is very actively engaged in providing the public safety users in our area access to the 700 MHz band. Our 700 MHz plan has been recently approved by the Commission which will allow our users to start licensing

the much needed 700 MHz channels as soon as the incumbent TV broadcaster in the area vacates the spectrum.

We believe that it is imperative for the Commission to allow public safety users the flexibility to choose the wideband or broadband solution that best fits their needs and budget. Our Region, similar to most Regions in this country, has a wide variety of population densities, agency sizes and budget resources. Region 40 has the Dallas/Fort Worth area, as noted above, as well as some very sparsely populated rural areas. One size definitely does not fit all when it comes to communications solutions, including emerging advanced high speed data technologies. As a result, the public safety agencies in our Region must be able to have a choice of technology that best fits their needs, whether that is broadband, wideband, or a combination of both.

Region 40 strongly disagrees with the proposal to eliminate the wideband option in the 700 MHz public safety band and mandate exclusive use of broadband technology. Instead, we urge the Commission to adopt the flexibility plan previously filed by the National Public Safety Telecommunications Council (NPSTC), which is also supported by all public safety users who commented in previous proposed rulemakings. NPSTC calls for flexibility on a local regional basis, and argues that the Regional Planning Committees are in the best position to determine and coordinate the broadband and wideband needs of the local agencies within their region. Region 40 agrees with this flexibility approach. The FCC should adopt a band plan that would provide for mixed use of the 700 MHz data

spectrum by allotting a portion of that spectrum for a national broadband licensee as well as a portion that would remain under local control.

Region 40 also urges the Commission to adopt rules that ensure the protection of 700 MHz public safety voice systems in the adjacent narrowband channels. This concern has also been expressed by other public safety agencies and associations, Regional Planning Committees, and equipment providers in response to previous proposed rulemakings. We urge the Commission to accept these Comments by the public safety community and technical experts, and develop rules that properly protect our voice systems from interference by broadband and wideband technologies.

Respectfully submitted,

J. Daniel Scrivner, PE

Chairman – Region 40

May 16, 2007